



July 15, 2009

Mr. Philip Allen (6SF-AP)
Remedial Project Manager
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2773

Dear Mr. Allen:

Attached please find a summary Progress Report for June 2009. This report was prepared on behalf of the Patrick Bayou Joint Defense Group, the Respondents to the Administrative Settlement Agreement and Order on Consent for the Patrick Bayou Superfund Site in Deer Park, TX. Should you have any questions, please call me at 919-435-0934 or e-mail me at [bobjp@projectnavigator.com](mailto:bobp@projectnavigator.com).

Sincerely,

s/R Piniewski

Robert Piniewski
Project Coordinator

Attachment

cc: Maureen Hatfield – TCEQ
Joe Bell - TCEQ
Jessica White - NOAA
Patrick Bayou Joint Defense Group

Monthly Progress Report for June 2009
Submitted July 15, 2009
Patrick Bayou Superfund Site
Deer Park, Texas

The Administrative Settlement Agreement and Order on Consent (AOC) for the Remedial Investigation/Feasibility Study (RI/FS) at the Patrick Bayou Superfund Site (Site) in Deer Park, Texas was entered on January 31, 2006. The Respondents include The Lubrizol Corporation, Occidental Chemical Corporation and Shell Oil Company, on behalf of Deer Park Refining Limited Partnership and Shell Chemical LP. The Respondents have formed the Patrick Bayou Joint Defense Group (JDG) to perform the work.

A. Summary of Work Performed – June 2009

The JDG, Project Navigator, and Anchor Environmental (Anchor), completed work on the following tasks:

- Continued evaluation of data from Supplemental RI Work Plan tasks
- Planning for the draft Risk Assessment Work Plan
- Submittal of draft Sediment Transport Modeling Report
- Submittal of draft Sediment Mixing Zone Layer Study

B. Summary of Agency Communication

The written communication between the JDG and EPA subsequent to the filing of the AOC is summarized in the attached Table 1.

C. Summary of Sampling Results

None this reporting period.

D. Problems, Delays and Solutions

None this reporting period.

E. Projected Work for Next 2 Reporting Periods – July and August 2009

The JDG and Anchor expect to complete the following tasks in July and August 2009:

- Submit the draft Upstream Source Characterization and Evaluation Report
- Submit the draft Sediment Sampling Work Plan.
- Continue preparation of the draft Eco Risk Assessment Work Plan

F. Schedule

The overall RI/FS project schedule in Gantt chart format was updated in the Final General RI/FS Work Plan. That schedule will serve as the baseline schedule for the RI/FS. Pending regulatory approvals in July 2009, the JDG will provide an updated schedule in the July 2009 Monthly Report.

Prepared by:
Robert Piniewski
Project Coordinator

Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
2/24/06	AOC Required Notifications	None	N/A	ID Project Coordinator and RI/FS Contractor, Certificates of Insurance and Anchor Quality Management Plan
2/28/06	Payment of Past Costs	6/12/06	Notice of end of public comment period on cost recovery actions	
3/1/06	Financial Assurance	None		
4/28/06	Draft Preliminary Site Characterization Report (PSCR)	6/15/06	Agency comments received on Draft PSCR	
6/7/06	Approach to RI/FS Work	6/7/06	EPA approved Adaptive Management Strategy for RI/FS	RI/FS will utilize Adaptive Management and a phased approach
6/27/06	Draft Work Package I Work Plan	7/7/06	EPA approved Work Package I Work Plan	
8/2/06	Response to Comments on PSCR	9/22/06	EPA approved PSCR	
8/17/06	Draft General RI Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
8/17/06	Draft Work Package 2 Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
9/27/06	Response to Agency Comments on Work Package 2 Work Plan	9/27/06	EPA approval of Work Package 2 Work Plan	JDG response to comments focused on field work related comments only
10/26/06	Submittal of Laboratory Qualifications and QA Manual(s)	None		
10/31/06	Deviations from WP2 Work Plan	11/02/06	Verbal approval from EPA on Nov. 2, 2006.	Minor deviations that occurred during the recent implementation of Work Package 2
12/14/06	Deviation from WP1 Work Plan	3/1/07	Verbally approved by EPA at Site Status Meeting	

Table 1
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Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	None Required	Summarized previous agreements with EPA on Work Plans which had already been approved by EPA	
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	02/28/07	EPA comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	3/20 – 3/23/07	EPA comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	None		
4/25/07	Response to second set of regulatory comments on General RI Work Plan and Work Package 2 Work Plan	None Required	Summarized previous agreements with EPA on Work Plans which had already been approved by EPA	
5/11/07	Submit Draft Supplemental RI Work Plan	7/8/07	EPA comments received July, 8, 2007	
6/13/07	Submit Response to Comments on Draft WP 1 technical memorandums	None Required	Additional EPA comments post-response	
6/13/07	Submit Response to Comments on Supplemental RI Work Plan	6/15/07	EPA approval for Supplemental RI Work Plan received July 15, 2007	
4/2/08	Submit draft Selection of Contaminants of Potential Concern for Ecological Risk Assessment	6/3/08	EPA comments received June 3, 2008	
7/11/08	Draft Response to Comments on COPC Report	Various	EPA comments received.	
7/24/08	Technical Memo – Sediment Toxicity and COPC Selection	Various	EPA comments received	
7/29/08	Agreements and Action Items – July 16, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	

Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
9/23/08	Agreements and Action Items – September 23, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
10/30/08	Draft Mixing Zone Evaluation Work Plan	various	EPA comments received and addressed on 11/18/09	
10/30/08	COPC Selection Amendment Report	04/27/09	Final comments from EPA received April 27, 2009.	
11/11/08	Agreements and Action Items – November 6, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
11/18/08	Response to Comments on Mixing Zone Evaluation Work Plan	11/18/08	Verbal Approval from EPA to proceed on 11/18/09	
2/18/09	Agreements and Action Items – February 12, 2009 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
3/12/09	Summary of Agreements - Patrick Bayou Technical Workgroup	July 16, 2009	Approved by EPA.	
3/12/09	Final Response to Comments on the Contaminants of Potential Concern (COPC) Report	July 16, 2009	Approved by EPA.	
4/14/09	April 8, 2009 Conference Call Notes – Acute/Chronic Ratios – Sediment Toxicity Testing	None Required	Technical discussion only, no further action.	
5/29/09	Adaptive Management Strategy and Patrick Bayou RI/FS Phases	July 16, 2009	Approved by EPA.	
6/4/09	Draft Sediment Transport Model Report	Pending		
6/15/09	Draft Mixing Zone Layer Study	Pending		